

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF LANCASTER COUNTY, NEBRASKA

COUNTY TEXT AMENDMENT NO. 13005:	)	
TEXT AMENDMENT TO THE LANCASTER	)	
COUNTY ZONING RESOLUTION,	)	RESOLUTION NO. <u>R-13-0021</u>
REQUESTED BY THE DIRECTOR OF	)	
PUBLIC WORKS & UTILITIES, TO ADOPT	)	
THE REVISED FLOOD INSURANCE RATE	)	
MAP (FIRM) AND THE FLOOD INSURANCE	)	
STUDY (FIS), AND AS PROVIDED IN	)	
ATTACHMENT A	)	

WHEREAS, pursuant to Neb. Rev. Stat. § 23-114 (Reissue 2007), the Lancaster County Board of Commissioners is authorized to make amendments to the 1979 Zoning Resolution of Lancaster County, which are consistent with the County's Comprehensive Plan and after receipt of specific recommendations from the Lincoln/Lancaster County Planning Commission ("Planning Commission"); and

WHEREAS, at the request of the Director of Public Works and Utilities, the Director of Planning has requested a text amendment to Article 11, Sections 11.001 and 11.029, of the Lancaster County Zoning Resolution to adopt the Flood Insurance Rate Map (FIRM) and the Flood Insurance Study (FIS), effective April 16, 2013, as required by the Federal Emergency Management Agency, as provided in Attachment "A," attached hereto and incorporated by this reference; and

WHEREAS, the Lincoln-Lancaster County Planning Department has recommended approval of this amendment concluding that the adoption of this text amendment is required to insure continued participation in the National Flood Insurance Program and its provisions; and

WHEREAS, on March 20, 2013, after public hearing, the Lincoln-Lancaster County Planning Commission agreed with the staff recommendation and voted 6 to 0 to recommend

approval of said text amendments; and

WHEREAS, on April 9, 2013, the Board of Commissioners of Lancaster County conducted a public hearing regarding said text amendment and voted to approve said amendments.

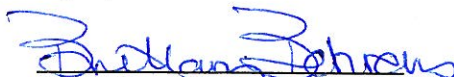
NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Lancaster County, Nebraska that the amendments to Article 11 of the Lancaster County Zoning Resolution, as provided in Attachment "A," are hereby adopted and approved.

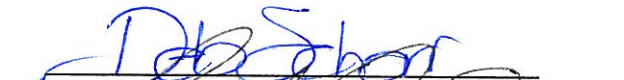
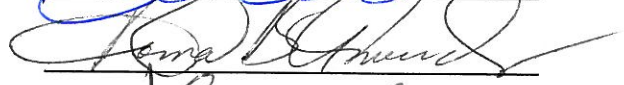

BE, IT FURTHER RESOLVED, that any other references in said Resolution which may be affected by the above specified amendments be, and they hereby are, amended to conform to such specific amendments.

DATED this 9 day of April, 2013, in the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY  
COMMISSIONERS OF  
LANCASTER COUNTY, NEBRASKA

APPROVED AS TO FORM  
this 9 day of  
April, 2013.

  
Deputy County Attorney  
for JOE KELLY  
Lancaster County Attorney

  
  
  
Raybould Absent  
Smoyer Absent

**ARTICLE 11**  
**FLOOD PLAIN DISTRICT**  
 (Resolution No. 3665, January 26, 1982)

These regulations are intended to minimize the potential loss of life, health and property due to inundation by flood waters by restricting development on all lands in the flood plain or floodprone area, within the zoning jurisdiction of Lancaster County that are subject to a one percent (1%) or greater chance of flooding in any given year, as designated by the Federal Emergency Management Agency, and as approved by the County Board. (Resolution R-09-0070, September 15, 2009)

11.001. The Board of County Commissioners of Lancaster County hereby adopts by reference the following documents, including subsequent amendments thereto, as the official documents to be used in applying the provisions of this article as they relate to the flood plain and the floodprone area:

- a) FLOOD INSURANCE STUDY, (FIS) for Lancaster County, Nebraska, and Incorporated Areas, ~~dated February 18, 2011~~ revised April 16, 2013, issued by the Federal Emergency Management Agency, and any revisions thereto. (Resolution R-11-0002, January 4, 2011; Resolution R-01-76, August 21, 2001)
- b) FLOOD INSURANCE RATE MAP (FIRM), for Lancaster County, Nebraska and Incorporated Areas, ~~dated effective February 18, 2011~~ revised April 16, 2013, issued by the Federal Emergency Management Agency, and any revisions thereto. (Resolution R-11-0002, January 4, 2011; Resolution R-01-76, August 21, 2001)
- c) FLOODPRONE AREAS and hydrologic and hydraulic studies as approved by the County Board. (Resolution R-09-0070, September 15, 2009)

11.003. Scope of Regulations. The provisions of this article shall apply to all lands within the zoning jurisdiction of the County of Lancaster which are identified on the Flood Insurance Rate Map as Special Flood Hazard areas, zones A, AE, AO, A99 and Floodways. The provisions of this article shall also apply to floodprone areas as approved by Lancaster County where this is the best available information. In all areas subject to the provisions of this article, no development shall be permitted except upon a permit to development granted by the Board of Commissioners or its duly designated representative under such safeguards and restrictions as it may reasonable impose for the promotion and maintenance of the general welfare, safety and health of the inhabitants of Lancaster County as specifically set out hereinafter. No development located within the areas subject to the provisions of this article shall be located, extended, converted or structurally altered without full compliance with the terms of this article and other applicable regulations. (Resolution R-09-0070, September 15, 2009; Resolution R-01-76, August 21, 2001)

11.005. The Department of Building and Safety of the City of Lincoln is hereby designated, authorized and directed to administer and enforce the provisions of this article. The Director of Building and Safety and his staff shall be appointed to these additional responsibilities by this Resolution and said appointment shall continue during good behavior and satisfactory service and so long as the County shall contract with the City for such service.

11.007. The duties of the Department of Building and Safety pursuant to this article shall include, but are not necessarily limited to, the following:

a) Review all development permit applications to assure that the permit requirements of this resolution have been satisfied, and that sites are reasonably safe from flooding.

b) Review permit applications for proposed development to assure that all necessary permits have been obtained from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. (Resolution R-01-76, August 21, 2001)

c) Notify adjacent communities and the Nebraska Department of Natural Resources Commission Flood Plain Management Section prior to any alterations or relocations of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.

d) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

e) Obtain and require certification by a registered professional engineer or licensed land surveyor of the actual elevation in NAVD 88 of the lowest floor of all new or substantially improved structures. The certification of the lowest floor shall be submitted to the Director of Building and Safety at the point of construction when the lowest floor of elevation may be established and prior to the erection of the walls of any building. Notwithstanding the above, documents submitted before March 1, 2000 may be submitted in either NGVD 1929 or NAVD 1988. (Resolution No. 4176, April 1, 1986) (Resolution No. R-00-18, February 22, 2000)

f) In cases in which floodproofing is utilized, obtain and require a certification from a registered professional engineer or architect that the floodproofed structure:

1) is floodproofed to or above one foot above the regulatory flood level so that below that point the structure is watertight with walls substantially impermeable to the passage of water; (Resolution No. 3889, December 20, 1983)

2) has structural components capable of resisting hydrostatic and hydronic loads and effects of buoyancy.

g) If such data is not provided by the Federal Emergency Management Agency in its Flood Insurance Study, then obtain, review and reasonably utilize any base flood elevation and floodway data available from Federal, state or other sources as criteria for requiring that new construction, substantial improvements, and other development in the flood plain or floodprone area meet the standards of this article. (Resolution No. R-09-0070; September 15, 2009)

h) In Zone A (no base flood elevations determined), require that proposed developments (including proposals for manufactured home parks) greater than 5 acres include within such proposals base flood elevation data, except that this shall not apply where the use of the property is not being changed and where there are no physical changes on the site which have the potential to increase the flood hazard. (Resolution R-01-76, August 21, 2001)

11.009. Permits Required. No person, firm or corporation shall erect, construct, enlarge or substantially improve any building or structure, or undertake any development, including the placement of manufactured homes, in any area subject to the provisions of this article or cause the same to be done without first obtaining a separate development permit for such building or structure or other development from the Director of Building and Safety. (Resolution R-01-76, August 21, 2001)

11.011. Application. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished for that purpose. Every such application shall:

a) Identify and describe the work to be covered by the permit for which application is made;

b) Describe the land on which the proposed work is to be done by lot, block, tract and

house and street address, or similar description that will readily identify and definitely locate the proposed building or work;

- c) Indicate the use or occupancy for which the proposed use is intended;
- d) Be accompanied by plans and specifications for proposed construction;
- e) Be accompanied by elevations in NAVD 1988 of the lowest floor (including basement), or in the case of floodproofed non-residential structures, the elevations to which they will be floodproofed. When utilizing NGVD 1929 based flood elevations from FEMA floodplain maps, 0.50 feet shall be added to NGVD 1929 to obtain NAVD 1988, unless a more accurate conversion factor using an established conversion program is demonstrated to the satisfaction of the Director of Building and Safety. Notwithstanding the above, documents submitted before March 1, 2000, may be submitted in either NGVD 1929 or in NAVD 1988. (Resolution No. R-09-0070, September 15, 2009; 12/30/99 - Res. #R-1)
- f) Be accompanied in all cases in which floodproofing is utilized, by the proper certification as required by Section 11.007(f);
- g) Be signed by the permittee or his authorized agent, who may be required to submit evidence to indicate such authority;
- h) Give such other information as reasonably may be required by the Director of Building and Safety.

11.013. Establishment of Zoning Districts. The mapped flood plain areas within the jurisdiction of this article are hereby divided into the two following districts: A floodway overlay district (FW) and a floodway fringe overlay district (FF), as identified in the official Flood Insurance Study and as distinguished on the FIRM as zones A, AE, AH, AO, A99 and Floodways within Special Flood Hazard Areas. The mapped floodprone areas within the jurisdiction of this article area hereby divided into a floodway overlay district (FW) and a floodway fringe overlay district (FF) as identified on floodprone area maps approved by the County. Within these districts all uses not meeting the standards of this article and those standards of the underlying zoning districts shall be prohibited. (Resolution R-09-0070, September 15, 2009; Resolution R-01-76, August 21, 2001)

11.015. Standards Applicable to both FW and FF Districts. No permit for development shall be granted for new construction, substantial improvement and other improvements, including the placement of mobile homes within the identified flood plain or floodprone area unless the following conditions are satisfied: (Resolution R-09-0070, September 15, 2009)

a) In those areas where a floodway has not been designated, no development or substantial improvement may be permitted within the flood plain or floodprone area unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonable anticipated developments or substantial improvements, will not increase the water surface elevation of the 100 year flood more than one foot at any location. The A zones shall be subject to all development provisions of this article. Until base flood elevations are determined by the Federal Emergency Management Agency, other flood elevation and floodway data currently available from a Federal, State or other source shall be utilized. (Resolution R-09-0070, September 15, 2009; Resolution R-01-76, August 21, 2001)

b) All new construction, subdivision proposals, substantial improvements, fabricated buildings, placements of mobile homes and other developments shall require:

- 1) Design or anchorage to prevent flotation, collapse or lateral movement of the



structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; (Resolution R-01-76, August 21, 2001)

2) New or replacement water supply systems and/or sanitary sewage systems designed to minimize or eliminate filtration of flood waters into the systems and discharges from the systems into the flood waters. On-site waste disposal systems shall be located so as to avoid impairment to them or contamination from them during flooding. (Resolution R-01-76, August 21, 2001)

3) New development and substantial improvements to use construction materials and utility equipment that are resistant to flood damage and use construction methods and practices that will minimize flood damage, consistent with economic practicability;

4) All utility and sanitary facilities including electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be elevated to or above one foot above the regulatory flood elevation or designed so as to prevent water from entering or accumulating within the components during conditions of flooding; (Resolution No. 3889, December 20, 1983)

5) The storage or processing of materials that are, in time of flooding, buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited. Storage of other materials or equipment may be allowed if not subject to major damage by floods and are firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

c) Filling, grading and excavation may be allowed in the designated flood plain or floodprone area under the following conditions: (Resolution R-09-0070, September 15, 2009)

1) Roadway bridges and other drainage facilities may have their superstructure submerged or partially submerged or partially submerged below the base flood level, provided that the facility has been designed to resist the hydrostatic and hydrodynamic loads as well as the effects of buoyancy as certified by a registered professional engineer. (Resolution No. 4854, January 5, 1993)

2) Fill shall be protected against erosion and sediment by such measures as rep-rap, vegetative cover, bulkheading or sedimentation basin as approved by the Director of Building and Safety;

3) Any fill to be deposited in the flood plain or floodprone area must be shown by the applicant not to be a detriment to the general public as well as the surrounding land owners; (Resolution R-09-0070, September 15, 2009)

4) Fill materials shall be of a selected type, preferably granular and free-graining and placed in compacted layers. Fill selection and placement shall recognize the effects of saturation from flood waters on slope stability, uniform and differential settlement, and scour potentials;

5) Prior to placement of any fill or embankment materials, the area upon which fill is to be placed shall be cleared of debris, snags, stumps, brush, down timber, logs and other objects. All materials and debris from this clearing shall be removed from the proposed fill and disposed at approved locations outside the flood plain or floodprone area; (Resolution R-09-0070, September 15, 2009)

6) Fill slopes for granular material shall be no steeper than one vertical to two horizontal unless substantiating data justifying steeper slopes are submitted to the Director of Building and Safety;

7) Excavation in the flood plain or floodprone area shall be done so that the land surface is maintained in such a manner that surface waters do not collect and pond unless specifically approved by the Director of Building and Safety. (Resolution R-09-0070, September 15, 2009; Resolution No. 3889, December 20, 1983)

11.017. Additional Standards Applicable to FF Districts. In addition to those standards set forth in Section 11.015, the following standards shall apply in all FF Districts:

a) All new construction or substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above one (1) foot above the regulatory flood elevation. Garages and storage buildings used exclusively for the storage of motor vehicles, and storage of other items readily removable in the event of a flood warning may have their lowest floor below flood elevation provided the building structure is capable of withstanding hydrostatic and hydrodynamic forces caused the 100 year flood and further provided that no utilities are installed in the building except elevated or floodproofed electrical fixtures. If the building is converted to another use, it must be brought into full compliance with the requirements of this article governing such uses. (Resolution No. 4228, September 30, 1986; Prior Resolution No. 3889, December 20, 1983)

b) All new construction or substantial improvements of non-residential structures shall have the lowest floor, including basement, elevated to or above one (1) foot above the regulatory flood elevation level, or, together with all attendant utility and sanitary facilities, be floodproofed to that level. (Resolution No. 3889, December 20, 1983)

For floodproofing a non-residential structure, a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction and shall certify that the design and methods of construction are in accordance with the adopted watertight performance standards. A record of such certificates which includes the specific elevation in NAVD 88 to which such structures are floodproofed shall be maintained by the Director of Building and Safety. Notwithstanding the above, documents submitted before March 1, 2000 may be submitted in either NGVD 1929 or NAVD 1988. (Resolution No. R-00-18, February 22, 2000)

c) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in any areas other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. (Resolution R-01-76, August 21, 2001)

d) Designated AO Zones within the floodplain have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO zones:

1) All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one foot above the depth number specified in feet on the FIRM (at least two feet if no depth number is specified).

2) All new construction and substantial improvements of non-residential structures shall:

(I) Have the lowest floor elevated above the highest adjacent grade at least as high as one foot above the depth number specified in feet on the

community's FIRM (at least two feet if no depth number is specified), or

(ii) Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such certification shall be provided to the official as set forth in 27.55.040(d).

3) Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures. (Resolution R-01-76, August 21, 2001)

e) For new or expansion to existing manufactured home parks, or subdivisions, new manufactured homes not in a manufactured home park, or a subdivision and existing manufactured homes that have incurred "substantial damage" as a result of a flood, it is required that:

1) Over-the-top ties be provided at each of the four corners of the manufactured home with two (2) additional ties per side at the intermediate locations, and manufactured homes less than fifty (50) feet long have one (1) additional tie per side;

2) Frame ties be provided at each corner of the manufactured home with five (5) additional ties per side at intermediate points, and manufactured homes less than fifty (50) feet long have four (4) additional ties per side;

3) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds;

4) Any additions to manufactured homes be similarly anchored;

5) All manufactured homes to be placed or substantially improved on each individual lot in the proposed manufactured home parks or subdivisions shall be elevated on a permanent foundation such that their lowest floor is at least one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with applicable county regulations to resist flotation, collapse, or lateral movements;

6) Adequate surface drainage and easy access for a hauler is provided;

7) In the instance of elevation on piers, lots are large enough to permit steps, pier foundations are placed on stable soil no more than ten (10) feet apart, and steel reinforcement is provided for piers more than six (6) feet above grade.

f) For recreational vehicles to be located in the floodway fringe district, it is required that:

1) They shall be on the site for fewer than 180 consecutive days;

2) They shall be fully licensed and ready for highway use (on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or

3) Meet the requirements of manufactured homes. (Resolution No. 4641, June 5, 1990)

11.019. Permitted Uses - FF Districts. Subject to the standards contained in Sections 11.015 and 11.017 of this article and all other applicable sections of this resolution, any uses permitted in the underlying zoning district shall also be permitted in the FF District.

11.021. Permitted Uses - FW Districts. Encroachments into the floodway are prohibited, including fill, new construction, substantial improvements, and other development within the floodway unless certification by a qualified engineer demonstrating that the proposed use in the floodway shall not result in any increase in flood levels during occurrence of the base



flood discharge. An exception to the above shall be permitted provided the applicant has acquired by land rights purchase, flowage easement or other legal arrangement the right to increase flood levels on all affected lands, and provided that before any permit is issued, the applicant submits a Federal Emergency Management Agency (FEMA) approved Conditional Letter of Map Revision to the Director of Building and Safety. When such encroachment is completed, a FEMA approved Letter of Map Revision must also be provided by the applicant. Subject further to the standards contained in Sections 11.015 and 11.017 of this article, and the applicable provisions of the underlying zoning district, the following uses shall be permitted in the FW District:

(Resolution R-01-76, August 21, 2001)

- a) Agricultural uses such as general farming, pasture, nurseries and forestry;
- b) Residential uses such as lawns, gardens, parking and play areas. New construction or placement of residential structures, including manufactured homes is however, prohibited in the FW District'
- c) Non-residential uses such as loading areas, parking, airport landing strips;
- d) Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.

11.023. Subdivisions. The Board of County Commissioners of Lancaster County shall review all applications for subdivisions in the established area of special flood hazard of the county and shall make findings of fact and assure that:

- a) All such proposed developments are consistent with the need to minimize flood damage.
- b) If such data is not already available to the County, subdivision proposals and other proposed new development include within such proposals regulatory flood elevation data in NAVD 1988; (12/30/99 - Res. #R-1)
- c) Adequate drainage is provided so as to reduce exposure to flood hazards;
- d) All public utilities and facilities are located so as to minimize or eliminate flood damage.

11.025. Variance. In the event that a request for a permit to develop is denied by the Department of Building and Safety, the applicant may petition the Board of County Commissioners of Lancaster County for a variance. The procedure for such appeals and the criteria and conditions for the issuance of variances shall be governed by the provisions of Article 13 of this resolution, provided, however, that no variance from the provisions of this article shall be granted unless:

a) By reason of exceptional narrowness, shallowness, shape of topography, or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any provision of this article would result in peculiar and exceptional hardship upon the owner of the property as an unreasonable deprivation of use as distinguished from the mere grant of privilege.

b) Either:

- 1) The structure is to be erected on a lot of one-half (½) acre or less in size, and such lot is contiguous to and surrounded by lots with existing structures constructed below the regulatory flood level; or
- 2) The structure is listed on the National Register of Historic Places or the

- State Inventory of Historic Places to be restored or reconstructed;
- c) There is a clear and convincing showing of good and sufficient cause for such variance;
  - d) There is a determination that failure to grant the variance would result in exceptional hardship to the applicant;
  - e) There is a determination that the issuance of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, creation of a nuisance, fraud or victimization of the public or conflict with existing Federal, state or local laws, ordinances or resolutions;
  - f) There is a determination that the applicant requesting the variance will meet the necessary standards of this resolution to afford relief;
  - g) The applicant provides a written and notarized acknowledgment of receipt of notification from the Department of Building and Safety that issuance of a variance to locate a structure at an elevation below the level one (1) foot above the 100-year flood level will result in increased actuarial rates for flood insurance coverage. (Resolution No. 3889, December 20, 1983)

#### 11.027. Miscellaneous Provisions.

a) Where interpretation is needed as to the exact location of the boundaries of the floodway and floodway fringe districts as shown on the official zoning maps incorporated by Section 11.001(b) as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Director of Building and Safety or his designee shall make the necessary interpretation. In such cases, the interpretation may be contested and resolved by the Board of Zoning Appeals pursuant to Section 19.007 (1) of this resolution. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall have the burden of proof on the question and shall be afforded a reasonable opportunity to present his case and to submit his own technical evidence if he so desires.

b) In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be construed liberally in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by state law.

c) This article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this article imposes greater restrictions, the provisions of this article will prevail. All other resolutions or parts of resolutions which are inconsistent with this article are hereby repealed to the extent of inconsistency only.

d) The regulations of this article are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations, revised on April 3, 2009, and any revisions thereto. The Board of County Commissioners of Lancaster County may from time to time, pursuant to the provisions of Section 22.003 of this resolution, amend this article to reflect any and all changes in the National Insurance Act of 1968, as amended and regulations adopted thereto, as well as other applicable legislation. (Resolution R-11-0002, January 4, 2011; Resolution R-01-76, August 21, 2001)

e) If any section, clause, provision or portion of this article adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the article shall not be affected thereby.

f) The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that areas outside floodway fringe district boundaries of land uses permitted within such districts will be free from flooding or flood damages. This article shall not create liability on the part of

Lancaster County, the City of Lincoln, or any officer, employee or agent thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawful made thereunder.

11.029. Definition. Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this article its most reasonable application.

The following definitions shall apply to this article of the 1979 Zoning Resolution of Lancaster County and to no other articles of said Zoning Resolution:

- 1) Areas of special flood hazard (100-year flood plain) - The land within the county that is subject to a one percent (1%) or greater chance of flooding in any given year, as delineated on the official maps incorporated in Section 11.001(b). (Resolution R-01-76, August 21, 2001)
- 2) Base Flood - The flood having a one percent chance of being equaled or exceeded in any given year. (Resolution R-01-76, August 21, 2001)
- 3) Basement shall mean any enclosed area having its floor below grade level on all sides. (Resolution No. 4920, September 29, 1992)
- 4) Development - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structure, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- 5) Existing manufactured home park or subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.
- 6) Expansion to an existing manufactured home park or subdivision - The preparation of additional sites by the construction of facilities for serving the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction streets, and either final site grading or the pouring of concrete pads).
- 7) Flood elevation determinations - A determination of the water surface elevations of the 100-year flood: that is, the level of flooding that has a one percent (1%) chance of occurrence in any given year.
- 8) Flood insurance rate map (FIRM) - The ~~February 18, 2011~~ Flood Insurance Rate Map (FIRM), revised April 16, 2013, issued by FEMA and any revisions thereto. (Resolution R-11-0002, January 4, 2011; Resolution R-01-76, August 21, 2001)
- 9) Flood insurance study - The official Flood Insurance Study (FIS) report, revised 16, 2013, report published by FEMA in conjunction with the FIRM and containing background data such as base flood discharges and water surface elevations used to prepare the FIRM, as incorporated in Section 11.001(a). (Resolution R-01-76, August 21, 2001)
- 10) Floodprone Area - Those lands subject to a one percent or greater chance of flooding in any given year, as determined by hydrologic and hydraulic studies completed by the City of Lincoln, Lancaster County or other government agency, or other acceptable source as approved by the County where this is the best available information. (Resolution R-09-0070, September 15, 2009)
- 11) Floodproofing - Any combination of structural and nonstructural additions, changes or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
- 12) Floodway (FW) - The channel of a river or other watercourse and the adjacent portion of the flood plain or floodprone area that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one (1) foot at any point, assuming equal conveyance reduction outside the channel from the two sides of the flood plain or floodprone area. (Resolution R-09-0070, September 15, 2009)

13) Floodway fringe (FF) - The area of the flood plain, outside of the floodway, that on the average is likely to be flooded once every 100 years, i.e., that has a one percent (1%) or greater chance of flood occurrence in any given year.

14) Historic Structure - Any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior, or by the Planning Director in consultation with the Nebraska State Historic Preservation Officer, as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior, or by the Planning Director in consultation with the Nebraska State Historic Preservation Officer, as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as a registered historic district. (Resolution R-01-76, August 21, 2001)

15) Lowest floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistance enclosure, usable solely for parking of vehicles or building access in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this article.

16) Manufactured home - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designated for used with or without a permanent foundation when connected to the required utilities. The term manufactured home does not include a "recreational vehicle".

17) Manufactured home park or subdivision - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

18) NAVD 1988 - The North American Vertical Datum of 1988. (12/30/99 - Res. #R-1)

19) New construction - Structures for which the "start of construction" commenced on or after the effective date of this article.

20) New manufactured home park or subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance.

21) NGVD 1928 - The National Geodetic Vertical Datum of 1929. (12/30/99 - Res. #R-1)

22) Overlay district - A district which acts in conjunction with the underlying zoning district or districts.

23) Qualified engineer - A registered professional engineer who, by reason of this training and experience, is considered knowledgeable in hydrology and hydraulics and their application to the flood insurance study and has demonstrated his competence to the satisfaction of the Director of Building and Safety.

24) Recreational vehicle - A vehicle which is:

- i) Built on a single chassis;
- ii) 400 square feet or less when measured at the largest horizontal projects.
- iii) Designed to be self-propelled or permanently towable by a light duty truck; and
- iv) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

25) Regulatory flood elevation - Elevation is indicated in the official flood insurance study as the elevation of the 100-year flood.

26) Separate development permit - The permit needed for any applicant to build in the areas of special flood hazard.



27) Start of construction - Either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimension of the building.

28) Structure - A walled and roofed building, including a gas or liquid storage tank, that is principally above the ground, including but not limited to buildings, factories, sheds, cabins, manufactured homes and other similar buildings.

29) Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal to or exceed 50 percent (50%) of the market value of the structure before the damage occurred.

30) Substantial improvement - Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either: a) before the improvement is started, or b) if the structure has been damaged and is being restored,, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimension of the structure. The term does not, however, include any alterations to comply with the existing state or local health, sanitary, building or safety codes or regulations. (Resolution No. 4641, June 5, 1990)

31) Violation - The failure of a structure or other development to be fully compliant with the regulations of this chapter. (Resolution R-01-76, August 21, 2001)